

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC TRAVIS,

Plaintiff,

v.

AMERIHOM MORTGAGE COMPANY  
LLC,

Defendant.

No. 1:23-cv-01267-KES-SAB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc Nos. 3, 11)

On August 23, 2023, defendant Amerihome Mortgage Company, LLC removed this action to federal court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. (Doc. 1.) On August 30, 2023, defendant filed a motion to dismiss this action. (Doc. 3.) On August 31, 2023, the pending motion to dismiss was referred to the assigned United States magistrate judge for the preparation of findings and recommendations and/or other appropriate action. (Doc. 5.)

On November 22, 2023, the assigned magistrate judge issued findings and recommendations, recommending that defendant's motion to dismiss be granted in part and denied in part, with leave to amend certain claims. (Doc. 11.) The magistrate judge recommended that: (1) defendant's request for judicial notice be granted; (2) defendant's motion to dismiss plaintiff's first, second, and fourth causes of action be granted without leave to amend; (3) defendant's motion to dismiss plaintiff's third cause of action be denied; (4) defendant's

1 motion to dismiss plaintiff's fifth and seventh causes of action be granted with leave to amend;  
2 and (5) defendant's motion to dismiss plaintiff's sixth cause of action be granted in part and  
3 denied in part. (*Id.* at 25–26.) As to the sixth cause of action, the magistrate judge  
4 recommended that (a) defendant's motion to dismiss plaintiff's sixth cause of action for UCL  
5 violations predicated on California Civil Code sections 2923.5, 2924(a)(1), and 2934a(a)(1) be  
6 granted without leave to amend, and (b) defendant's motion to dismiss plaintiff's sixth cause of  
7 action for UCL violations predicated on California Civil Code section 2924.9 and 15 U.S.C.  
8 § 1641(g) be granted with leave to amend. (*Id.* at 26.) The findings and recommendations  
9 contained notice that any objections were to be filed within fourteen days after service. (*Id.* at  
10 27.) That deadline has passed, and no party has filed objections.

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the court has conducted a de  
12 novo review of this case. Having carefully reviewed the entire file, the court concludes that the  
13 findings and recommendations are supported by the record and proper analysis.

14 Accordingly,

15 1. The findings and recommendations issued on November 22, 2023, (Doc. 11), are  
16 ADOPTED in full;

17 2. Defendant's request for judicial notice, (Doc. 4), is GRANTED;

18 3. Defendant's motion to dismiss, (Doc. 3), is GRANTED IN PART and DENIED  
19 IN PART, as follows:

20 a. Defendant's motion to dismiss plaintiff's first, second, and fourth causes  
21 of action is GRANTED without leave to amend;

22 b. Defendant's motion to dismiss plaintiff's third cause of action is DENIED;

23 c. Defendant's motion to dismiss plaintiff's fifth and seventh causes of  
24 action is GRANTED with leave to amend; and

25 d. Defendant's motion to dismiss plaintiff's sixth cause of action is  
26 (i) GRANTED without leave to amend as to violations predicated on  
27 California Civil Code sections 2923.5, 2924(a)(1), and 2934a(a)(1), and  
28 (ii) GRANTED with leave to amend as to violations predicated on

California Civil Code section 2924.9 and 15 U.S.C. § 1641(g).

4. Plaintiff shall file any amended complaint within twenty-one (21) days of entry of this order.

IT IS SO ORDERED.

Dated: July 5, 2024



UNITED STATES DISTRICT JUDGE